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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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CANDACE EWELL,

Plaintiff,

v.

LAW OFFICES OF KIRK A. CULLIMORE,

Defendant.

**MEMORANDUM DECISION and  
ORDER ADOPTING  
REPORT & RECOMMENDATION**

Case No. 2:11-cv-405-DN-PMW

District Judge David Nuffer  
Magistrate Judge Paul M. Warner

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This case was referred to Magistrate Judge Paul M. Warner under 28 U.S.C. § 636(b)(1)(B).<sup>1</sup> On March 12, 2013, Judge Warner issued a Report & Recommendation (R&R)<sup>2</sup> recommending that this court GRANT Defendant's motion to dismiss.<sup>3</sup>

The parties were notified of their right to file objections to the R&R within 14 days.<sup>4</sup> Although no formal objections to the R&R were filed or received by the court, Plaintiff Candace Ewell sent a letter to the court asking for the case to be continued while she tries to find counsel to represent her in this case.<sup>5</sup> Ms. Ewell filed her complaint in May 2011<sup>6</sup> and has not had counsel representing her since June 2011.<sup>7</sup> When Ms. Ewell appeared *pro se* at the Initial Pretrial Conference in October 2011, she told the court she was trying to find counsel to

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<sup>1</sup> Order Referring Case, docket no. 26, filed March 29, 2012.

<sup>2</sup> Docket no. 34, filed March 12, 2013.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.*

<sup>5</sup> Docket no. 35, lodged March 26, 2013.

<sup>6</sup> Complaint, docket no. 1, filed May 4, 2011.

<sup>7</sup> *See* Order Granting Motion to Withdraw, docket no. 10, filed June 16, 2011.

represent her in this matter.<sup>8</sup> Ms. Ewell has had well over a year to retain counsel, but has failed to do so. The court cannot justify a further continuance on that basis.

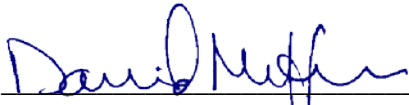
The court has conducted a *de novo* review of the issues presented and agrees with Judge Warner's analysis, conclusions and recommendations. Accordingly, the R&R is adopted as the order of this court.

ORDER

IT IS HEREBY ORDERED that the R&R<sup>9</sup> is ADOPTED as the order of the court and Defendant's Motion to Dismiss is GRANTED.<sup>10</sup> The clerk is directed to close this case.

Signed March 30, 2013.

BY THE COURT

  
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District Judge David Nuffer

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<sup>8</sup> Minute Entry, docket no. 18, filed October 12, 2011

<sup>9</sup> Docket no. 34.

<sup>10</sup> Docket no. 28.